

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Kansas City
FILE NUMBER: 200402182

REGULATORY PROJECT MANAGER: Sarah Reznicek **Date:** 9/8/04

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** (Y/N) **Date:**
At the project site Y (Y/N) **Date:** 9/8/04

PROJECT LOCATION INFORMATION:

State: Kansas
County: Lyon
Center coordinates of site by latitude & longitudinal coordinates: 38.32404117 N, 96.19430976 W
Approximate size of site/property (including uplands & in acres): 640
Name of waterway or watershed: Coal Creek drainage

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	1								
Man-made pond									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary X Or Approved .

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

The pond is not in the flood plain of jurisdictional tributary so is not adjacent. The adjacent grassy drainage swale has no Ordinary High Water Mark at either the inflow or outflow point. This drainage feature is not jurisdictional until several hundred feet downstream. Other tributaries, ponds, and wetlands exist on the property that may be jurisdictional but have not been specifically addressed in this requested determination.